**UNITED STATES DISTRICT COURT**
**FOR THE SOUTHERN DISTRICT OF NEW YORK**

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| TECSPEC LLC, RICHARD ROSE, ROBERT SENIA, and RALPH SCHLENKER,<br><br>Plaintiffs,<br><br>- against -<br><br>MICHAEL DONNOLO, JOSHUA DONNOLO, JOHN MICHAEL LONG, BRAYA CONCEPTS LLC, BRAYA MACHINE COMPANY LLC, BRAYA SYSTEMS LLC, BRAYA VENTURES LLC, ABC CORPORATIONS 1-10,<br><br>Defendants. | Case No. 1:24-cv-08077-JHR<br><br>**DECLARATION OF MICHAEL DONNOLO** |

Michael Donnolo, states the following as true and accurate, under penalty of perjury:

1. I submit this declaration, addressing the documents and statements submitted by Plaintiffs, further opposing Plaintiffs' sought restraining order and injunctive relief.

**Background**

2. I am an electrical engineer, having graduated Manhattan College with a Bachelor of Science in Electrical Engineering in 2006. After graduation, I was immediately engaged to design machines and processes dealing in industrial manufacturing.

3. In 2009, I shifted to a specialized focus to HVAC design and construction. And after 10 years designing and constructing HVAC processes and manufacturing, I started working with Tecspec in and around 2019.

4. In 2019, Tecspec was purchasing induction units from other manufacturers, which were limited to manufacturing only 100 to 200 units per month. This limitation limited the ability for Tecspec to fulfill large project orders.

5. At about that time, Tecspec decided to endeavor to manufacture its own HVAC induction unit.

6. Geoff Sheard consulted for a company with Robert Senia and, in having that connection, I thought Sheard could be useful in putting together simulations based on designs that I had spent time developing. Ultimately, the simulations Sheard were able to provide were unhelpful, but Sheard did contribute ideas toward possible ways to design induction units, none of which went beyond the "idea" stage and none of which that, either, Tecspec or Braya has used, or uses today.

7. Sheard's contributions were theoretical or hypothetical, which Sheard admits in his declaration.

8. Initially when hiring Sheard, we went back and forth on potential designs for Tecspec. However, before too long, it was decided that Tecspec was going to "knock off" a style of HVAC induction unit that Tecspec had been purchasing from other manufacturers. The idea was to do a direct copy, a "knock off," which turned out to be horrible in implementation and not a practical replacement to purchasing units from other manufacturers.

9. In Sheard's declaration, he asserts that "While engaged by Tecspec LLC, I developed the 'low boy' nozzle concept, which achieved 90% of the induction unit performance of the tall nozzle while only using 20% of the material" (Sheard ¶ 6). Except, Sheard did not develop this concept, I did. A true copy of the text message I sent to John Michael Long at 1:04am on February 3, 2020, which shows the design I conceived for the low boy nozzle, hereto annexed as **Exhibit 1**.

10. Moreover, Sheard concludes (without basis) that high efficiency nozzles are costly, which serves as the basis for his engagement – to phase out these costly nozzles. In fact, the nozzles do not need to be costly – the high cost associated with the nozzles does not concern the materials as Sheard suggests, but the method of manufacturing. Tecspec still uses a Swiss style lathe in the manufacturing process, which has an extraordinary cost – a machine that Braya cannot afford, nor does it use. Instead, because of Braya's inability to purchase such a machine, I had to engineer a different method of manufacturing, which ultimately eliminated the need to use such nozzles in

the Braya unit, and that provided an alternate method of manufacturing induction units at 10% of the overhead cost incurred by Tecspec.

11. Moreover, Sheard makes conclusions about the Braya unit that are wildly inaccurate. He surmises that the Coanda effect was used on the back wall of the induction unit to manage airflow, which Sheard suggests was derived from a development by Tecspec. In fact, this is completely inaccurate: the shape of the back is designed so to fit the tube that sits behind the induction unit back, not to promote airflow. And Braya's use of "the Coanda effect" which Sheard seems to reference repeatedly is tantamount to saying that Braya "uses math" to engineer its units. The Coanda Effect was coined in the 1930s by Henri Coanda, and has been used in fluid and airflow dynamics for 80 years. The theory application Sheard describes to be proprietary to Tecspec is in fact derivative of an article that NASA published in August 1988. See a true copy of that article attached as **Exhibit 2**.

12. Moreover, the language in the Sheard declaration suggests that Tecspec had a prototype with a curved back. However, this is patently false. Tecspec never had a prototype with a curved back, or that resembled the Braya unit.

13. The Sheard declaration further suggests that the Braya unit relies on the Coanda wall to reduce the units reliance on high efficiency nozzles that are costly to manufacture. This is also patently false. The benefit of the Braya unit is not in the end product, but the cheaper and faster method of manufacturing, which produces the unit 5 times faster than Tecspec and at a fraction of the cost.

14. The Sheard declaration further fails to properly analyze the Braya unit, or compare that unit with Tecspec or any other unit (in that Sheard fully fails to ascertain the benefit of Braya's design).

15. Ultimately, there is no evidence that the Braya unit has utilized, or was built upon work done for Tecspec's benefit. Moreover, there is no evidence that Defendants have further withheld anything from Plaintiffs to allow Plaintiffs to get up and running.

16. We ask this Court to deny Plaintiffs' motion in its entirety.

**DECLARATION**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

MICHAEL DONNOLO

Dated: December 31, 2024